IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2856 of 1984
with
CIVIL APPLICATION No.1030 of 1986

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI
and
Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KANUBHAI S SHAH

Versus

GUJ.INDUSTRIAL & INVESTMENT CORP. LTD

Appearance:
1. Special Civil Application No. 2856 of 1984
MR KH BAXI for Petitioner No. 1
(MR GN DESAI) for Respondent No. 1
MR GN SHAH for Respondent No. 1
Mr.N.D. Gohil, Asstt. Govt. Pleader for Respondent No. 2-3
RULE SERVED for Respondent No. 4

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI
and
MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 30/08/2001

COMMON ORAL JUDGEMENT (Per : MR.JUSTICE RAVI R.TRIPATHI)

The present petitioner has challenged vires of section 3 of Gujarat Public Moneys (Recovery of Dues) Act, 1979. Rule was issued in the matter on 1.6.1984.

2. A Civil Application being Civil Application No.1030 of 1986 was filed for vacating interim relief granted in the main matter, wherein it was mentioned that vires of validity of provisions of Gujarat Public Moneys (Recovery of Dues) Act, 1979 is upheld by this Court in the case of Alka Ceramics v. Gujarat State Financial Corporation & others, reported in 1985 (1) GLR 57. In view of that, the present petition is required to be dismissed. Accordingly, the petition is dismissed. Rule is discharged. Interim relief is vacated. No order as to costs. It will be open for the respondents to proceed with the recovery in accordance with law.

3. In view of the above orders, no orders in Civil Application No.1030 of 1986, which stands disposed of accordingly.

(D.M. Dharmadhikari, C.J.)

(Ravi R. Tripathi, J.)

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